



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kathryn M. Carleson, et al.

Examiner: Jordan Lofdahl

Serial No: 10/621,720

Art Unit: 3644

Filed: 07/16/2003

For: PET TOYS AND METHOD AND APPARATUS FOR THEIR MANUFACTURE

RESPONSE TO ELECTION/ RESTRICTION REQUIREMENT

Mail Stop Non-Fee Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

RECEIVED APR 26 2004

Responsive to an Election/Restriction Requirement dated

April 13, 2004, whereon a one (1) month time period for response is set to expire on May 13, 2004, applicant in the above-entitled responds as follows:

Election of Species:

Per the requirement of the subject Office Action, citing 35 U.S.C. 121, applicant here selects Species II, Claims 6 - 14 drawn to a method of reshaping a PVC pipe. This election is made with traverse and applicant respectfully submits that, the claims 1 - 5 of Group I, directed to a pet toy could reasonably only be produced by the method of the elected claims, and Claim 6 in particular.


Respectfully,
Kathryn M. Carleson, et al.

APR 26 2004

Examiner: Jordan Lofdahl
Serial No: 10/621,720 Art Unit: 3644

That heat can and sometimes is used to bend pipe, as the Examiner maintains in the middle paragraph is acknowledged. However, such pipe bending would not include pipe scoring and a careful scorching of the pipe to change its color and surface texture, as set out in Claim 6. That the pet toy of Claims 1 - 5, particularly Claim 1, is clearly a product by process is obvious and that the toy of Claims 1 - 5 must be produced using the method steps of Claim 6, is apparent. Accordingly, applicant respectfully requests that the Claims of Groups I and II, Claims 1 - 14 be prosecuted together.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "M. Reid Russell", written over a horizontal line.

M. Reid Russell
Patent Attorney Reg. No. 26,226
854 West 3390 South
Hurricane, Utah 84737
Telephone: (435) 674-5739

MRR/rr
Docket No. 7669
Date: April 23, 2004



Examiner: Jordan Lofdahl
Serial No: 10/621,720 Art Unit: 3644

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Non- Fee Amendments, Commissioner for Patents, Box 1450, Alexandria, VA 22313-1450 on April 23, 2004.

M. Reid Russell

April 23, 2004

Date

List of items sent:

Proposed Amendment and Response (Two pages)

Mailing Certificate

Return Receipt Postcard